

BILL NO. 2240
ORDINANCE NO. 2240

AN ORDINANCE MODIFYING CHAPTER 102, ARTICLE I – IN GENERAL AND ARTICLE II – REMOVAL AND REPLACEMENT OF TREES AND WOODLANDS, OF THE LADUE CODE OF ORDINANCES

WHEREAS, Ordinance 2165 was adopted on November 20, 2017 by City Council and established Chapter 102 – Trees and Landscaping, which replaced former Chapter 102 which pertained to trees and shrubs; and

WHEREAS, the Trees and Landscaping Ordinance, Section 102-4(a) contained in Article I, sets forth the specific requirement that dead or dying trees shall be removed and that branches that constitute a danger shall be removed; and

WHEREAS, the Trees and Landscaping Ordinance, Section 102-9 contained in Article II, defines the Caliper of a tree; and

WHEREAS, the Property Maintenance and Housing Inspector responds to resident concerns with regard to dead and dying trees and branches and in situations where trees are removed without a permit and require tree replacement; and

WHEREAS, the existing definition of caliper is incomplete as it only accounts for trees that are up to twelve-inch caliper and therefore the definition needs to be rewritten; and

WHEREAS, the existing language regarding removal of branches or limbs requires that they must constitute a danger to public health, safety, or welfare which requires an additional level of analysis to determine if the threshold is met which can be problematic for enforcement of the ordinance and needs to be rewritten; and

WHEREAS, City Council, after careful review, desires to and finds it in the best interests of the community to modify certain portions of Chapter 102, Articles I & II, specifically 102-4(a) and 102-9; and

WHEREAS, a copy of this bill has been made available for public inspection prior to its consideration by the Council and read by title two times in an open meeting prior to passage.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. The City of Ladue hereby modifies existing Article I of Chapter 102 of the Code of Ordinances, by repealing 102-4(a) and replacing it with the following:

102-4 (a) It shall be the duty of any person owning property in the city, to cut down to ground level all dead or dying trees (including diseased trees), or cut down or remove tree branches or limbs on such property that are more than two (2) inches in diameter and dead or dying, or which by reason of their location, size, or state of deterioration, constitute a danger to the public health, safety, or welfare and remove from the property all parts thereof, except as provided in subsection (b) below.

SECTION 2. The City of Ladue hereby modifies existing Article II of Chapter 102 of the Code of Ordinances, by repealing the definition contained in 102-9 and replacing it with the following definition of caliper:

Caliper means the diameter of a tree trunk measured at either six (6) inches above the ground or twelve (12) inches above the ground. Trees that measure up to four (4) inches in diameter at six (6) inches above the ground have a caliper equal to the diameter measured. If the initial diameter measurement at six (6) inches above the ground is more than four (4) inches, then the measurement should be taken at twelve (12) inches above the ground and the caliper is equal to the diameter measured at twelve (12) inches above the ground up to twelve (12) inches in diameter. Typically used to describe the size of nursery stock or recently planted trees. For trees with multiple stems, the caliper of each stem shall be measured, and the average of all measurements shall constitute the caliper of the tree. If the diameter measurement taken at twelve (12) inches above the ground is more than twelve (12) inches, then the Diameter at breast height should be used. (See definition of "Diameter at breast height (DBH)")

SECTION 3. This Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED THIS ____ DAY OF _____ 2019.

President, City Council

ADOPTED AND APPROVED THIS ____ DAY OF _____ 2019.

Nancy Spewak, Mayor

ATTEST:

Laura A. Rider, City Clerk